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Santa Ana Region

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Arnold Schwarzenegger
Governor

NOTICE OF PROPOSED SETTLEMENT/STIPULATED ORDER AND AVAILABILITY FOR PUBLIC REVIEW

TENTATIVE ORDER NO. R8-2007-0087

FOR

**THE CITY OF COLTON
SAN BERNARDINO COUNTY**

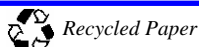
On August 3, 2007, the Executive Officer issued Administrative Civil Liability Complaint No. R8-2007-0055, in the amount of \$167,274, to the City of Colton (Discharger). The Complaint was issued for the alleged non-compliance with the Areawide Urban Storm Water Runoff Permit for San Bernardino County and the Incorporated Cities (MS4 Permit), which violated Section 13385 of the California Water Code (CWC). Subsequently, the Regional Board's Enforcement Team met with the Discharger. Based on additional information provided by the Discharger and consistent with Section 13385(e) of CWC, the Enforcement Team proposes to suspend \$50,000 of the \$167,274 proposed penalty provided the Discharger complies the measurable goals by the due dates specified in the revised Complaint. The Discharger has agreed to these terms and waived its right to a hearing. Tentative Order No. R8-2007-0087 memorializes these agreements and will be considered by the Board as a consent calendar item at its meeting on November 30, 2007.

This notice announces the proposed settlement of the Complaint and the availability for public review of the tentative Order. The proposed settlement, which is embodied in the tentative stipulated Order, consists of the following: a payment of \$117, 274 to the Cleanup & Abatement account; the suspension of \$50,000 provided that the Discharger complies with the measurable goals identified in the Complaint by the dates specified in the Complaint.

This proposed settlement will not become final unless the Regional Board adopts the tentative Order as written or with minor modifications. The tentative Order is scheduled for consideration at the November 30, 2007 Regional Board meeting. In light of the proposed settlement, no hearing will be held on the tentative Order unless not approved by the Regional Board. Should the Regional Board reject the settlement or if there is a request for a hearing on this item, a public hearing may be scheduled at a later date.

The tentative Order is available for public comment during the review period of November 12, 2007, to November 29, 2007, at the following web address:

California Environmental Protection Agency



http://www.waterboards.ca.gov/santaana/html/enforcement_actions.html.

To be timely, public comments must be received by the Regional Board no later than **5:00 p.m. on November 29, 2007**. Written comments should be sent to the attention of Kurt Berchtold, Assistant Executive Officer, at the mailing address in the above letterhead or via email to kberchtold@waterboards.ca.gov.

Anyone having questions regarding the proposed settlement should contact Gerard Thibeault at (951) 782-3284. The proposed settlement documents and the rest of the file for this matter may be inspected and copied at the Regional Board's office at the above letterhead address. Appointments are recommended and can be made by calling (951) 782-4499.

Kurt Berchtold
Assistant Executive Officer

November 9, 2007

California Environmental Protection Agency



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